

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

CHAPTER 7. DEPARTMENT OF REVENUE

BINGO SECTION

PREAMBLE

1. <u>Sections Affected</u>	<u>Rulemaking Action</u>
R15-7-201	Amended
R15-7-202	Amended
R15-7-204	Amended
R15-7-206	Amended
R15-7-207	Amended
R15-7-208	Amended
R15-7-209	Amended
R15-7-210	Amended
R15-7-211	Amended
R15-7-212	Amended
R15-7-214	Amended
R15-7-215	Amended
R15-7-216	Amended
R15-7-217	Amended
R15-7-218	Amended
R15-7-219	Amended
R15-7-220	Amended

R15-7-221	Amended
R15-7-222	Amended
R15-7-223	Amended
R15-7-225	Amended
R15-7-226	Amended
R15-7-228	Amended
R15-7-230	Amended
R15-7-231	Repealed
R15-7-232	Amended
R15-7-233	Amended
R15-7-234	Amended
R15-7-301	Repealed
R15-7-302	Amended
R15-7-303	Amended
R15-7-304	Amended
R15-7-305	Amended
R15-7-306	Amended
R15-7-307	Amended
R15-7-401	Repealed
R15-7-402	Amended
R15-7-403	Amended
R15-7-405	Amended
R15-7-502	Amended

R15-7-503 Amended

R15-7-504 Amended

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 42-1005

Implementing statutes: A.R.S. §§ 43-304, 43-341, and 43-343

3. **A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 7 A.A.R. 1204, March 9, 2001

Notice of Rulemaking Docket Opening: 7 A.A.R. 4002, September 7, 2001

Notice of Rulemaking Docket Opening: 9 A.A.R. ____, February 14, 2003

4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Patricia Trent, Manager

Address: Tax Policy and Legal Support Section

Arizona Department of Revenue

1600 W. Monroe

Phoenix, AZ 85007

Telephone Number: (602) 542-4672

Fax Number: (602) 542-4680

E-mail: TrentP@revenue.state.az.us

5. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The rules provide guidance to bingo licensees and Department personnel in interpreting and administering the bingo statutes. The current rule revisions are a result of the 5-year review of the Title 15, chapter 7 bingo rules. The rules are being revised to reflect changes in statutes and to make the rules more clear, concise, and understandable.

6. **A reference to any study that the agency relied on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None.

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

8. **The preliminary summary of the economic, small business, and consumer impact:**

It is expected that the benefits of this rulemaking will be greater than the costs. The amendment of these rules will benefit the public by making the rules conform to current statute and removing language that is obsolete or repetitive of statute. Conforming the rules to current rulemaking guidelines will make the rules clearer and easier to understand. The Department, Governor's Regulatory Review Council, and the Secretary of State's Office will incur costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the amendment of these rules.

9. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Patricia Trent, Manager

Address: Office of Tax Policy and Legal Support
Arizona Department of Revenue
1600 W. Monroe
Phoenix, AZ 85007

Telephone Number: (602) 542-4672

Fax Number: (602) 542-4680

E-mail: TrentP@revenue.state.az.us

10. **The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: March 17, 2003

Time: 10:00 a.m.

Location: Arizona Department of Revenue

2902 W. Agua Fria Freeway

Phoenix, Arizona

Conference Room

Nature: Public hearing on the proposed rulemaking.

A person may submit written comments regarding the proposed rulemaking action by submitting the comments no later than 5:00 p.m., March 17, 2003 to the person listed in #4 above.

11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None.

12. **Incorporations by reference and their location in the rules:**

None.

13. **The full text of the rules follows:**

TITLE 15. REVENUE
CHAPTER 7. DEPARTMENT OF REVENUE
BINGO SECTION
ARTICLE 2. GENERAL PROVISIONS

Section

R15-7-201.	Definitions
R15-7-202.	Special bonus <u>Bonus</u> game <u>Game</u> (Class B and Class C licenses only)
R15-7-204.	Affidavits
R15-7-206.	Monitoring by bingo workers
R15-7-207.	Pre-game verification <u>Equipment Verification and Replacement</u>
R15-7-208.	Conduct of game <u>Game</u> – official scorer <u>Official Comparison</u>
R15-7-209.	Method of call, <u>Call and announcement</u> <u>Announcement</u> of “bingo <u>Bingo</u> ” by a player <u>Player</u>
R15-7-210.	Multiple winners <u>Winners</u>
R15-7-211.	Declaration of a game completion : <u>Completed Game</u> ; award <u>Prize</u> <u>Award</u> of prize
R15-7-212.	Erroneous calls <u>Calls</u>
R15-7-214.	Arizona State Lottery tickets <u>Tickets</u>
R15-7-215.	Sale of players’ <u>Bingo</u> cards <u>Cards</u>
R15-7-216.	Duplicate cards <u>Cards</u>
R15-7-217.	Same-day requirements <u>Requirements</u> for play <u>Play</u> , winners and prizes

R15-7-218.	Notice of charges <u>Charges</u>
R15-7-219.	Notice of prizes <u>Prizes</u>
R15-7-220.	Alternate prizes <u>Prize</u> for winners <u>Winning</u> within <u>a specified number</u> <u>Specified Number</u> of calls <u>Calls</u>
R15-7-221.	Availability of rules <u>Rules</u> and statutes <u>Statutes</u> for players <u>Players</u>
R15-7-222.	Inducements
R15-7-223.	Minors prohibited <u>Prohibited</u> from play <u>Play</u>
R15-7-225.	Verification of gross <u>Gross</u> receipts <u>Receipts and Purchases</u>
R15-7-226.	Legal debts <u>Debts</u>
R15-7-228.	Conditions of for deducting <u>Deducting</u> mortgage <u>Mortgage</u> payments <u>Payments</u>
R15-7-230.	Reporting responsibility <u>Financial Report</u>
R15-7-231.	Financial report supplement <u>Repealed</u>
R15-7-232.	Bingo accounts <u>Bank Accounts</u>
R15-7-233.	Persons permitted <u>Permitted</u> to conduct games <u>Conduct Games</u> ; compensation allowed <u>Compensation Allowed</u>
R15-7-234.	Informal resolution <u>Resolution</u> after investigation <u>Investigation</u> or complaint <u>Complaint</u>

ARTICLE 3: LICENSING PROVISIONS

Section

R15-7-301.	Requirements of exempt organizations <u>Repealed</u>
R15-7-302.	Change in ownership <u>Ownership</u> for (Class A license <u>License</u> only)

- R15-7-303. Change of ~~name~~ Name
- R15-7-304. Changes to the license License, ~~approval required~~
- R15-7-305. Change of ~~mailing address~~ Mailing Address
- R15-7-306. Termination of ~~license~~ License
- R15-7-307. Cancellation of an Occasion ~~occasion, approval required~~

ARTICLE 4: TAX PROVISIONS

Section

- R15-7-401. ~~Financial report form~~ Repealed
- R15-7-402. Excess ~~payments~~ Payments
- R15-7-403. Payment under ~~protest~~ Protest
- R15-7-405. Deficiencies; ~~payment~~ Payment; appeal Appeal

ARTICLE 5: SUSPENSION; REVOCATION; APPEALS

Section

- R15-7-502. Suspension of ~~license~~ License and ~~right~~ Right of appeal Appeal
- R15-7-503. Revocation of ~~license~~ License and ~~right~~ Right of appeal Appeal
- R15-7-504. Injunction against Against ~~continued conducting~~ Conducting a Bingo
Game of games Games after suspension Suspension or revocation
Revocation

ARTICLE 2. GENERAL PROVISIONS

R15-7-201. Definitions

~~For the purposes of these rules~~ In addition to the definitions provided in A.R.S. § 5-401,
unless the context requires otherwise, the following definitions ~~will apply to this Chapter~~
and to A.R.S. Title 5, Chapter 4:

1. "Bingo" means ~~that specific kind of a~~ game of chance ~~commonly known as bingo,~~ in
which ~~a prizes~~ prize are ~~is~~ awarded ~~on the basis of a~~ to a player who obtains a
designated pattern or sequence of numbers or symbols on a card conforming to
numbers or symbols selected at random.
2. "Bingo ~~Worker~~ worker" means ~~any~~ a manager, supervisor, proceeds coordinator, or
assistant who is participating in any manner in the holding, operating, or conducting
of the bingo occasion.
3. "Books and records" ~~are those~~ means the documents relating to the financial affairs
of an organization kept in its regular course of business ~~including~~ and include the
following:
 - a. ~~check stubs, canceled checks, bank statements, deposit and withdrawal slips~~
Bank account records,
 - b. ~~journals,~~ Journals and ledgers,
 - c. ~~receipts,~~ Receipts and invoices,
 - d. ~~winner~~ Winner signature sheets,
 - e. ~~verification~~ Verification records reports required under R15-7-225,
 - f. ~~game~~ Game programs, and

- g. ~~any~~ Any other documents used in connection with bingo operations.
4. "Calendar week" means ~~a block of 7 calendar days, beginning at 00:00:01 Sunday, Arizona time, and ending 12:00:00 midnight Saturday, Arizona time.~~
- "Caller" means the person calling the bingo balls.
5. ~~"CardsCard" mean~~ means ~~that a card, sheet of paper or other device of bingo play, provided by the licensee to the player, which that bears parallel rows of spaces with each space, except a designated "free" space, containing numbers or symbols before the start of a game numbers or symbols and is part of a deck, group, or series of cards, no two of which are alike arranged in 5 parallel rows within each row containing 5 numbered or symbolized spaces with the exception of 1 center "free space". A space on a card may contain a preprinted pattern in addition to a number or symbol.~~
- "Cover-all" means a bingo game in which the designated bingo pattern is all spaces on a card.
6. "Day" means a 24-hour period beginning at 00:00:01 a.m. Arizona time and ending at 12:00:00 p.m. the following midnight.
7. "Department" means the Arizona Department of Revenue.
- "Door prize" means a type of inducement in which a prize is given to an individual, selected at random, who is present on the premises during a bingo occasion.
8. ~~"InducementsInducement" shall include, but not be limited to, giving~~ means:
- a. anything Anything of nominal value given to any a person at the a bingo occasion, other than a bingo prize; or

- b. ~~the~~ The sale of anything to a person at a bingo occasion of value for less than its fair market value.
9. "Player" means ~~a person~~ an individual, 18 years of age or older, who pays the admission fee, if any, to be admitted to the premises and who ~~personally selects,~~ pays for, and plays 4 one or more cards.
10. "Proprietary, equitable, or credit interest" includes, ~~but is not limited to,~~ any arrangement ~~by means of~~ in which a person has:
- a. A security interest or lien ~~which~~ that is attached to any property of a licensee, or
 - b. A right to sell or lease to a licensee, or
 - c. A right to reacquire property sold to a licensee.
11. "Receptacle" means a container, such as a blower and cage, ~~which~~ that holds the bingo balls or objects used in bingo games.
- "Special bonus game" means a series of bingo games, played on the same day of each week during a calendar quarter, with a quarterly prize limit of \$12,000.
- "Split-the-pot" means a bingo game in which the prize is a portion of the money received from card sales.
12. ~~"Wild Number Bingo~~ number bingo" means ~~a games game~~ a game of bingo ~~where~~ in which ~~the 1st~~ a ball is drawn from ~~the~~ a receptacle or selected using another random method ~~is used~~ to determine all wild numbers for a ~~single game,~~ and ~~in which~~ all wild numbers are ~~marked on all players' bingo cards prior to any other bingo balls being~~ deemed called.

“Winner-take-all” means a game of bingo in which the prize is all money received from card sales.

R15-7-202. Special ~~bonus~~ Bonus game Game (Class B and Class C licensees only)

- A. A Class B or C licensee may hold only One one special bonus game ~~may be held~~ on the same respective day of each calendar week, ~~and A licensee shall continue a~~ special bonus game throughout the calendar quarter in which the special bonus game ~~was initiated~~ begins or until ~~such time as the total prize amount of the prize money awarded for the game has reached~~ reaches \$12,000.00 in the aggregate per quarter. ~~All prize money offered must be given away within each quarter that the special bonus game is played. The licensee may not carry over any~~ Any unused portion of the \$12,000.00 limit ~~may not be carried over~~ into any other quarter. ~~As licensees are allowed to conduct up to 3 occasions weekly, A a~~ licensee may conduct up to 3 five different special bonus programs games per quarter. ~~The special bonus game must not cause the licensee to exceed the 35 games per occasion limit set by A.R.S. § 5-401(21).~~
- B. Licensees A licensee wishing to conduct a special bonus game shall submit the application ~~prescribed~~ provided by the licensing authority Department and receive written approval ~~prior to~~ before initiating any such the special bonus game. A manager of the licensee shall attest to the accuracy of the application by signing the application. ~~Each licensee wishing to conduct a special bonus game shall prepare a detailed written description of the program to be followed in the conduct of the special bonus game. Each special bonus game program description application shall include the following:~~
1. The licensee's name, address, and license number;

2. The day of the week the special bonus game will be played;
- ~~1.3.~~ A description of the manner in which the special bonus game ~~program shall~~ will be conducted and the total amount of prize money to be offered ~~for that~~ each quarter;
- ~~2.4.~~ The pattern that will be required to ~~accomplish~~ win the bingo game;
- ~~3.5.~~ The number of calls within which ~~a bingo~~ the pattern must be accomplished to ~~allow the awarding of~~ win the prize, if applicable;
- ~~4.6.~~ The ~~amount~~ dollar value of each designated prize;
- ~~5.~~ The amount of any consolation prize.
- ~~6.7.~~ The type of card to be used; and
- ~~7.8.~~ The cost per card to the player.
- ~~8.~~ A statement of the manner to award any portion of the offered prize if it should not have been awarded by the last night of the quarter.
- C. ~~Any instance of failure to complete accurately the application or any instance of nonconformance contained in the application with existing statutes and rules shall result in the return of the entire application to the submitting licensee. The licensing authority shall return the nonconforming application with a statement containing the specific reasons for disapproval. The Department shall not approve a special bonus game application that is incomplete or that describes a special bonus game that does not comply with A.R.S. Title 5, Chapter 4, and this Chapter. The Department shall return the application to the licensee with an explanation for the disapproval within two weeks of the receipt of the application. The licensee may amend the application and resubmit it for the Department's approval.~~

- D.** ~~Prior to~~ A licensee may cancel a special bonus game by sending written notice to the Department before the beginning of a quarter ~~changing or canceling any special bonus game program, the licensee must receive written approval from the licensing authority. Each special bonus game may follow a different program. The licensee shall submit a special bonus game application before changing any aspect of the special bonus game. A change of a special bonus game program may take place effect only at the beginning on the first day of a quarter. The cancellation of the special bonus game may take place at any time during the quarter once written approval is received from the licensing authority. However, once the special bonus game is cancelled during a quarter, it may not be resumed until the beginning of the next quarter and upon approval from the licensing authority.~~
- E.** ~~Approval to conduct special bonus games shall expire at the end of each licensing period. Therefore, licensees must reapply for approval to conduct special bonus games at the end of each licensing period.~~
- F.** ~~The approval to hold special bonus games shall be conspicuously displayed at the place where the games of bingo are to be conducted at all times during any game.~~

R15-7-204. Affidavits

- A.** Affidavits A person submitting an affidavit required under A.R.S. § 5-404 shall be in the sworn and notarized use a form prescribed provided by the licensing authority Department and sign the affidavit under penalty of perjury.
- B.** ~~The membership requirements to participate in the conduct of games shall be continuous and fulfilled immediately prior to submission of an affidavit.~~

R15-7-206. Monitoring ~~by bingo workers~~

~~It shall be the responsibility of the licensee~~ A licensee ~~and those persons physically conducting the bingo occasion to~~ shall prohibit any unauthorized person from participating in any manner in the conducting of any a bingo game.

R15-7-207. ~~Pre-game verification~~ Equipment Verification and Replacement

A. ~~Prior to commencement of~~ Before beginning each bingo occasion, ~~the~~ a supervisor for ~~that~~ the occasion shall:

1. ~~verify~~ Verify that all equipment ~~used in the conducting of bingo~~ is in sound working condition;
2. ~~The supervisor shall further verify~~ Verify that the utilization use of such the equipment and the methods of play provide ~~are such that~~ each player is afforded an equal opportunity to win; and

~~B.3.~~ ~~Prior to each occasion the supervisor for that occasion shall, in the presence of 1 or more bingo players, verify~~ Verify, in the presence of one or more players, that all bingo balls are present and that there are no ~~numerical duplications~~ duplicate balls.

~~CB.~~ The supervisor for a bingo occasion shall immediately replace ~~All~~ all defective bingo balls ~~shall be replaced immediately~~ before continuing with the game, regardless of the time of discovery.

~~DC.~~ An authorized representative of the ~~licensing authority~~ Department may order that any defective equipment be repaired or replaced.

R15-7-208. Conduct of ~~game~~Game - ~~official scorer~~ Official Comparison

- A.** A supervisor shall use the ~~The~~ bingo balls ~~which~~ that are placed on the master board are for the official scorer ~~for bingo occasions.~~ A comparison to the designated bingo pattern or sequence, rather than a lighted number display board, ~~is not an official scorer.~~
- B.** Wild number bingo balls need not be pulled from the receptacle or placed on the master board ~~in order~~ to be recognized as ~~being~~ valid bingo balls called.

R15-7-209. Method of call, Call and announcement Announcement of "bingo Bingo" by a player Player

- A. Once a caller ~~the person calling the bingo balls~~ has initiated the call, ~~that the caller shall complete the call shall be completed.~~ The call is ~~considered~~ initiated when the caller ~~person calling the bingo balls~~ begins to vocally announce the letter designation on the bingo ball.
- B. The caller ~~person calling the bingo balls~~ shall allow a reasonable length of time for a player to announce "bingo" before proceeding with the next call.
- C. The caller ~~person calling the bingo balls~~ shall not remove more than 4 one bingo ball at any time from the receptacle.
- D. ~~No player shall be declared~~ The caller shall not declare a winner of a bingo game, nor shall any player be awarded a prize therefore, unless ~~said~~ the player has obtained ~~accomplished~~ "bingo" on the last ~~immediately announced~~ called number and has announced ~~said fact~~ the "bingo" to a bingo worker ~~before~~ prior to initiation of the next call.
- E. The caller may turn off the ~~The machine~~ used to select the bingo balls ~~may be turned off~~ during a game only if the next bingo ball can be secured so that it does not fall into the receptacle. The caller shall call the number of the secured ~~This ball shall be the next announced number~~ unless a valid bingo is ~~has been~~ declared on the prior number ~~announced~~ called.

R15-7-210. Multiple winners Winners

~~If~~ ~~Whenever~~ it is necessary to share a designated prize because there ~~were~~ are multiple winners on the last ~~immediately~~ called number, the following ~~rules shall~~ provisions govern apply:

1. ~~In the event that~~ If the designated prize consists of cash or check, ~~a the licensee shall divide the~~ total amount of the prize ~~shall be divided~~ equally between the verified winners. ~~However, the~~ The licensee ~~shall have the option~~ may round prize amounts up ~~of rounding fractional dollars to the next higher dollar.~~
2. ~~When~~ If the designated prize ~~consists of~~ is an item of merchandise that ~~other than cash and the designated prize cannot be divided, the bingo licensee shall do either of the following:~~
 - a. ~~award~~ Award to each verified winner an identical prize or substitute merchandise prizes closely approximate or equal in value ~~to each verified winner. All substitute merchandise prizes shall, as closely as possible, be of equal value, but not exceeding to exceed, in the aggregate, the value of the designated original prize.; or~~
 - b. Award to each verified winner an identical amount of money by check or cash that, in the aggregate, equals the value of the designated prize.
3. Subject to the preceding provisions, a licensee may establish minimum prizes.

**R15-7-211. Declaration of a ~~game completion~~: Completed Game; award Prize
Award of prize**

- A. ~~When~~ After a bingo worker verifies the existence of a winner of a bingo game is determined, the caller ~~person calling the bingo balls~~ shall identify ~~announce the existence of~~ a winner and ask if there are other winners. After the verification of each bingo, the caller shall provide all other players ~~shall also have the~~ with a reasonable opportunity to claim bingo on the same call. If no other players claim bingo, the caller ~~person calling the bingo balls~~ shall declare the game over completed and a bingo worker shall award the designated prize. ~~The designated prize shall then be awarded.~~ If there are multiple ~~Multiple winners,~~ shall share a bingo worker shall award prizes in accordance with R15-7-210.
- B. ~~A~~ No player shall not be allowed to receive or share the designated prize unless the player obtains ~~has accomplished~~ "bingo" and informs the caller of ~~has announced~~ this fact before the caller ~~person calling the bingo balls~~ declares that the game is over~~has been completed~~.

R15-7-212. Erroneous ~~calls~~ Calls

- A.** If ~~it is determined by any person during a bingo game that the~~ a caller person ~~calling the bingo balls has made~~ makes an error in calling the number on a bingo ball or identifying ~~in announcing~~ the number of bingo balls called, the caller shall immediately correct the error ~~shall be immediately corrected~~ before proceeding with the game. The caller shall not correct the ~~An error in~~ calling the number on the bingo ball or identifying ~~in announcing~~ the number of bingo balls called ~~shall not be corrected after the game is completed has been closed~~ in accordance with R15-7-211.
- B.** If, as the result of correcting the error, ~~it is found that~~ a player would have obtained ~~accomplished~~ “bingo” on the correct number or another number already called, the licensee shall award the game prize ~~shall be awarded~~ to the winning players as if the correct number had been the last number called.
- C.** If a player obtains ~~has accomplished~~ “bingo” as a result of an erroneously called number, the licensee shall declare the bingo ~~shall be declared~~ invalid. The licensee shall not award a ~~No prize shall be awarded~~ based on an erroneous call.

R15-7-214. Arizona State Lottery tickets Tickets

~~The sale of~~ A licensee may sell, or give as prizes, tickets or other chances to participate in the Arizona State Lottery and ~~the giving of such tickets or chances as bingo prizes shall not be deemed by the licensing authority to be the conducting of a lottery by a licensee.~~

R15-7-215. Sale of ~~players'~~ Bingo cards Cards

- A.** A licensee shall sell ~~All sales of bingo cards shall take place on the premises where the games of bingo are to be played and no earlier than 4 hours prior to the start of the 1st game.~~
- B.** ~~Players must purchase their own cards. Players shall not sell or otherwise transfer bingo cards which they have purchased to any other player.~~
- CB.** Cards A licensee shall not be reserved reserve cards in advance for a player ~~or by~~ players.

R15-7-216. Duplicate ~~cards~~Cards

- A. A licensee shall not use duplicate cards during a bingo game. ~~Duplicate cards are prohibited.~~
- B. If a licensee determines that there are multiple winners in a single game ~~and it is determined that the winners have~~ with duplicate cards, ~~licensees~~ the licensee shall forward the duplicate cards, along with a written description of the reason why it occurred, to notify the Department's Bingo Section ~~bingo licensing authority~~ within ~~1 week~~ seven days from the date of occurrence.

R15-7-217. Same-day requirements Requirements for play Play, winners, and prizes

~~A bingo occasion shall be completely played during 1 day. All~~ Any licensee conducting a bingo occasion shall sell ~~cards shall be purchased by the players, all~~ determine winners, determined and award all prizes ~~awarded~~ within the same day. A bingo occasion begins when persons are admitted to the building or premises for the purpose of playing bingo.

R15-7-218. Notice of ~~charges~~ Charges

- A.** ~~A~~ The bingo licensee shall, before ~~prior to~~ the sale of cards for any bingo occasion, post a notice in a conspicuous place on the premises ~~where bingo is to be played~~ listing the charges for admission, and ~~cards, papers or other media of play and any other service or privilege offered.~~ The A licensee shall charge all players the publicly posted rates.
- B.** ~~A licensee shall charge players non-discriminatorily for all cards and shall neither give, donate, nor distribute to players, directly or indirectly, any "free" cards. No card may be taken to the playing area until paid for.~~

R15-7-219. Notice of prizes Prizes

- A. ~~Before~~ Prior to the sale of cards for any bingo occasion, ~~a the~~ bingo licensee shall post a notice in a conspicuous place on the premises, ~~where the bingo is to be played~~ describing the nature and dollar value ~~exact amount of each prize prizes to be awarded,~~ including the method of determining any substitute prize ~~prizes to be awarded in the event of~~ for multiple winners.
- B. ~~Notwithstanding the foregoing, if~~ If a licensee conducts a “split-the-pot” or “winner-take-all” special game, the licensee shall announce the dollar value ~~amount of the minimum prize prizes to be awarded shall be announced prior to~~ before the calling of the ~~1st~~ first number is called. The licensee shall announce the actual dollar value ~~actual amount of the prize shall be announced prior to~~ before the closure of the game is over.
- C. ~~For the purposes of this rule, it shall be sufficient for the licensee to state in the posted notice that, in the event of multiple winners, the stated prize will be divided equally, insofar as possible, between or among the verified winners subject to the prize provisions of these rules.~~

**R15-7-220. Alternate prizes Prize for winners Winning within a specified number
Specified Number of calls Calls**

- A. Within the dollar limits prescribed by A.R.S. § 5-406(P), a licensee may offer an
alternate prize ~~prizes may be offered~~ based ~~upon~~ on the number of calls within
which a successful bingo is obtained ~~achieved, provided the licensee announces:~~
~~If a licensee avails itself of the provisions of this rule, it must announce to the~~
~~players at the beginning of each~~ before the start of the game; ~~in which the option is~~
~~exercised,~~
1. ~~the~~ The number of calls within which the bingo must be obtained
accomplished, and
 2. ~~the~~ The type or dollar value ~~amount of any the~~ alternate prize ~~prizes to be~~
~~awarded.~~
- B. In every bingo game offering an alternate prize for winning ~~prizes for winners~~ within
a specified number of calls, the licensee shall have a disinterested player ~~shall~~ verify
the number of balls called before the licensee awards ~~any prize is awarded.~~

R15-7-221. Availability of ~~rules~~ Rules and ~~statutes~~ Statutes for ~~players~~ Players

~~A~~ The licensee shall have in its possession, on the premises during an occasion where bingo games are being played, a copy of these rules this Chapter and the applicable statutes A.R.S. Title 5, Chapter 4, available for inspection by any player upon request. ~~The~~ A licensee shall post a notice ~~to this effect shall be posted~~ in a prominent place on the premises that states the copies are available.

R15-7-222. Inducements

A. A licensee that offers an inducement shall offer the inducement on a nondiscriminatory basis.

AB. ~~Licensees that choose to give inducements shall submit in writing to the licensing authority a statement describing the inducement which shall be offered and setting forth the actual and discounted prices.~~ The value of the an inducement in the form of tangible property shall be is the difference between the property's fair market value and the discounted price. A licensee shall not offer or give away inducements with The an aggregate value of ~~the inducements shall not exceed \$50.00~~ more than \$250 per occasion.

BC. ~~If a licensee's licensee wish wishes to offer a door prize as their form of an inducement, the licensee shall comply with A.R.S. § 5-406(X) regarding the manner in which the licensee determines the winner of the door prize is determined shall not violate lottery and raffle prohibitions under A.R.S. § 5-406(X).~~

D. A card given to a player at a reduced price, or without charge, in connection with the purchase of a card or cards is not considered an inducement.

E. A card given away with no purchase required is considered an inducement and is valued at the publicly posted rate.

R15-7-223. Minors ~~prohibited~~ Prohibited from ~~play~~ Play

~~No bingo card shall be sold or bingo prize awarded to any person under 18 years of~~

~~age.~~ A licensee shall not allow an individual under the age of 18 to:

1. Buy a bingo card,
2. Receive a bingo prize, or
3. Play bingo.

R15-7-225. Verification of ~~gross~~ Gross receipts Receipts and Purchases

~~Licensees shall be responsible for maintaining an accurate account of the gross receipts from each occasion. To accomplish this, the licensee shall maintain an accurate account of all bingo cards and supplies purchased and sold. The following method shall be used to accomplish the above:~~

- ~~1. Licensees shall obtain an invoice for all bingo supplies purchased by them for resale to bingo patrons. These invoices shall become a part of the licensees' books and records.~~
- ~~2. The supervisor for the occasion shall ensure that the verification report form prescribed by the licensing authority is accurate and complete when submitted.~~
- A. The supervisor shall accurately complete a verification report form prescribed by the Department for each occasion. The verification report form shall include the following:**
 1. The licensee's name and license number,
 2. The number of players,
 3. The name of the supervisor,
 4. The total number and dollar value of cards sold,
 5. The total income from cards sold,
 6. Itemization of bingo supplies sold,
 7. Itemization of inducements provided,
 8. A cash reconciliation,
 9. The computation of adjusted gross receipts, and
 10. A bingo game worksheet for tracking the income and prizes for each game.

B. A licensee shall obtain invoices for all bingo supplies purchased by the licensee for resale to bingo patrons. The licensee shall retain these invoices with other records maintained under this Chapter.

R15-7-226. Legal debts Debts

A licensee shall pay All all expenses of games of bingo games must be paid when due.

No legal debt of a game of bingo may be forgiven except as allowed through bankruptcy proceedings. If a licensee incurs debt in violation of this Section, any arrangement or agreement to forgive the debt is prohibited, unless otherwise authorized by law.

R15-7-228. Conditions of ~~for deducting~~ Deducting mortgage Mortgage payments
Payments

- A.** A licensee, ~~if it is a nonprofit charitable organization,~~ may deduct mortgage payments from adjusted gross receipts for only 4 one premises based upon a reasonable and bona fide participation in ownership. ~~If~~ When there are multiple owners conducting games on ~~in~~ the same premises, the owners shall prorate the mortgage payment deduction shall be prorated among themselves the owners, based on the use of the premises.
- B.** ~~A licensee may deduct statutorily allowable mortgage payments from bingo gross proceeds only if all 4 of the following conditions are met:~~
- ~~1. The licensee is a nonprofit charitable organization;~~
 - ~~2. The premises are used primarily for the furtherance of the licensee's bona fide charitable purposes;~~
 - ~~3. The premises are the place where bingo occasions are held; and~~
 - ~~4. The licensee does not derive rental income from the premises.~~
- CB.** If no mortgage exists, taxes and insurance are considered on-going expenses of the organization and the licensee may shall not be paid deduct taxes and insurance from bingo adjusted gross proceeds receipts. They The licensee may deduct taxes and insurance may be paid from bingo net proceeds.
- DC.** A licensee shall purchase any ~~All purchases of premises by licensees, on in which the licensee intends to conduct bingo is intended to be conducted, shall be bona fide purchases made for a commercially reasonable purchase price. Should the If the licensing authority Department question questions the reasonableness of the~~

purchase price, the Department shall obtain an appraisal of the premises ~~shall be~~
~~done by the Property and Special Taxes Division of the Department of Revenue.~~
The licensee may obtain and submit an independent appraisal by a certified
appraiser ~~to~~ that will be considered in conjunction with the ~~Departmental~~
Department's appraisal.

R15-7-230. ~~Reporting responsibility~~ Financial Report

- A. ~~The Financial~~ financial ~~reports-report~~ required under A.R.S. § 5-407 ~~are~~ is due even though no ~~binge~~ occasions were held during the reporting ~~periods~~ period. A licensee ~~Reports~~ may file ~~be filed~~ the financial report in advance if ~~it is known~~ the licensee knows that no ~~binge~~ occasions will be held and no bingo funds will be expended during the reporting period.
- B. The licensee shall report all ~~All~~ interest ~~accrued~~ earned on the licensee's special checking account or additional interest-bearing accounts ~~shall be reported~~ as gross receipts during the reporting period in which the interest is received. The Department considers ~~interest shall be considered~~ received when the financial institution credits the interest to the licensee's ~~licensee receives the account statement reflecting interest paid to the account~~.
- C. Financial reports ~~which~~ that are filed in person ~~shall be considered~~ are delinquent if received by the Department after the due date. If a licensee files a financial report by mail ~~is received after the due date~~, it the report ~~is considered~~ timely only if the financial report is postmarked on or before the due date. ~~If-When~~ a due date falls on Saturday, Sunday, or a legal holiday, the due date for filing ~~shall be~~ is the business day following ~~such~~ the Saturday, Sunday, or holiday.
- D. A licensee that makes an expenditure, other than prizes paid to bingo winners, of \$300 or more during the reporting period shall include in the financial report the name and address of each person to whom \$300 or more was paid and the purpose of the expenditure.

R15-7-231. ~~Financial report supplement~~ Repealed

~~A list of the names and addresses of each person to whom \$300.00 or more in the aggregate has been paid during any bingo occasion and the purposes of such expenditures shall be submitted by all licensees with the required financial report.~~

R15-7-232. Bingo accounts Bank Accounts

- A.** The A licensee shall maintain ~~have only 4~~ one, federally insured, checking account for bingo purposes. ~~All bingo proceeds, except amounts paid out as small prizes, shall be deposited in the bingo checking account.~~ The licensee shall maintain sufficient funds in the bingo checking account ~~an amount sufficient~~ to cover all checks written. A licensee shall not stop payment on any prize check without first notifying the licensing authority Department.
- ~~B.~~** ~~Expenditures for equipment and supplies used in the daily operation of the organization in the furtherance of its purposes, including expenditures for improvements and additions to the building or premises which the organization uses for its bona fide purposes, may be paid from the bingo checking account out of bingo net proceeds.~~
- CB.** The licensee may establish ~~additional~~ interest-bearing accounts that are federally insured. ~~Each of the additional interest-bearing accounts shall be a federally insured account in which interest rates exist. Interest-bearing account funds~~ If the licensee transfers funds from an interest bearing account, the licensee shall only be directly transferable transfer the funds into the bingo checking account before making any expenditure.

**R15-7-233. Persons ~~permitted~~ Permitted to conduct games Conduct Games;
~~compensation allowed~~ Compensation Allowed**

- A.** A member or new member of a parent organization may work at a bingo occasion held by the parent organization's auxiliary. A member or new member of an auxiliary organization may work at a bingo occasion held by the auxiliary's parent organization.
- B.** A licensee shall not pay and a bingo worker shall not accept ~~member or new member of either the parent or auxiliary organization shall not be paid or receive a~~ commission, salary, tips, or other compensation for rendering any services related to bingo except as provided in A.R.S. § ~~5-407(G)(9)~~ 5-407(G)(8). The term "compensation" includes discount ~~Discount~~ dinners or other functions conducted specifically for bingo workers ~~are considered compensation~~.
- C.** A licensee shall ensure that persons who participate in the conduct of bingo games satisfy membership requirements under A.R.S. § 5-413 on and after the submission date of the affidavit required by R 15-7-204.

R15-7-234. Informal ~~resolution~~ Resolution after investigation Investigation or complaint Complaint

- A. If, as the result of an investigation by the licensing authority Department, either ~~routinely or upon complaint~~, the licensing authority Department finds that an error or violation of a rule or statutory provision has occurred, ~~the licensing authority~~ Department personnel shall direct the licensee to rectify the error or violation and discontinue any practice causing such ~~the~~ error or violation. The Department shall send ~~Written~~ written confirmation of such ~~the order directive~~ shall be sent to the licensee and, ~~when applicable~~, to the complainant, if applicable, by certified mail.
- B. If the licensee disagrees with a the Department's directive ~~by the licensing authority made during an investigation~~, the licensee may request an informal meeting with the licensing authority Department's bingo administrator ~~supervisory personnel~~. Within 30 days after receipt of the request, the Department shall send ~~Written~~ written notice of the licensing authority's Department's final ~~ultimate~~ decision shall be sent to the licensee by certified mail.
- C. If ~~the~~ a licensee fails to comply with a directive of the licensing authority Department, the licensing authority Department may institute ~~shall consider instituting~~ suspension or revocation procedures, based on the severity of the violation. The licensee may ~~will have the rights of hearing and appeal an adverse suspension or revocation decision as set forth in~~ under A.A.C. Title 15, Chapter 7, Article 6. of this Chapter.

ARTICLE 3. LICENSING PROVISIONS

R15-7-301. ~~Requirements of exempt organizations~~ Repealed

- ~~A. An applicant's allegation of tax-exempt status under the Internal Revenue Code or Arizona Revised Statutes is not determinative of qualification as a "qualified organization".~~
- ~~B. If the applicant organization claims to be exempt from Arizona State income tax, the applicant shall provide the licensing authority with:~~
- ~~1. Copies of documents from the Arizona Department of Revenue documenting the applicant's exemption for State income tax purposes.~~
 - ~~2. Proof the applicant is part of any other organization which has a State income tax exemption.~~
- ~~C. If the applicant claims to be exempt under § 501(c) of the Internal Revenue Code of 1986, as amended, the applicant shall provide the licensing authority with:~~
- ~~1. Copies of documents from the Internal Revenue Service stating the applicant's exemption for Federal income tax purposes.~~
 - ~~2. Proof the applicant is part of an organization which receives a national exemption.~~
- ~~D. Tax-exempt status under the Internal Revenue Code or Arizona Revised Statutes is not the sole determinant of a "qualified organization" for bingo licensing purposes.~~

R15-7-302. Change in ownership Ownership for (Class A license License only)

- A.** ~~If~~ When a Class A license licensee is issued to a person ~~other than~~ not a natural person, the bingo manager shall notify the Department of any change in licensee ownership or control of the licensee within 30 days after the effective date of the change ~~nullifies the existing license.~~
- B.** ~~When a Class A license is issued to a person other than a natural person, a new license is not required if the licensee merely changes the designated bingo manager, supervisor or proceeds coordinator.~~

R15-7-303. Change of ~~name~~ Name

~~When a change is made in a name under which a bingo license is operating, even though the ownership remains the same, the licensee shall notify the Department in writing of any such change.~~ A licensee shall notify the Department of a change in the name under which the licensee is operating within seven days of the effective date of the change.

R15-7-304. Changes to the license License, approval required

~~Except with the prior written consent of the licensing authority, A licensee shall conduct bingo occasions shall be conducted only on the days, at times, and with personnel listed by persons, stated on the license approved by the Department. The licensee shall obtain prior written consent of the Department before making any changes from information stated on its licensee. Every amendment to a license shall be conspicuously displayed on the premises where bingo occasions are being conducted at all times during the occasion.~~

R15-7-305. ~~Change of mailing address~~ Mailing Address

A licensee shall ~~immediately~~ notify the Department in writing of any change in mailing address: within seven days of the effective date of the change. The licensee shall specify whether the change is for mailing purposes only. ~~The licensee shall specify that the change of address is for mailing purposes only.~~

R15-7-306. Termination of ~~license~~ License

Upon termination of bingo operations, the ~~license~~ licensee shall ~~be surrendered~~ surrender its bingo license to the Department, accompanied by a written statement that provides ~~giving~~ the date operations terminated ~~of operation termination~~. The surrender of the license ~~shall not be~~ is effective until as of the date on the ~~Department accepts~~ Department's written acceptance of the ~~surrender in writing~~. The Department may withhold its acceptance of ~~consent to~~ the surrender if the licensee is being investigated or if suspension or revocation procedures are pending.

R15-7-307. Cancellation of an Occasion ~~occasion~~, ~~approval required~~

A licensee may cancel a bingo occasion ~~shall be cancelled only~~ after providing written notice to and obtaining approval from the ~~licensing authority~~ Department, except that,
~~In~~ in the case of an emergency, the ~~licensing authority~~ licensee shall notify the
Department ~~shall be notified promptly~~ in writing within three days after ~~of the~~ scheduled
date of the occasion cancellation and provide the reason ~~therefore~~ for the cancellation.
~~This rule applies to licensees conducting games on seasonal basis.~~

ARTICLE 4. TAX PROVISIONS

R15-7-401. ~~Financial report form~~ Repealed

~~If the prescribed financial report form is not in the possession of the licensee in time for the licensee to file a report on time, the licensee shall submit its report on a plain sheet of paper.~~

R15-7-402. ~~Excess payments~~ Payments

~~When~~ If, ~~upon~~ after examination of the financial report, ~~it is determined~~ the Department ~~determines~~ that the licensee has paid more than ~~an amount of tax has been paid in~~ ~~excess of~~ the tax lawfully due, the Department shall refund the excess payment or, at ~~the option of the licensee,~~ issue a credit equivalent to the excess payment against future ~~the tax liability of future periods or refund the excess payment.~~

R15-7-403. Payment under ~~protest~~ Protest

A licensee shall pay ~~make payment~~ of any tax, penalty, or interest under protest by submitting the protest in writing. ~~Protests shall be pursued in accordance with the provisions of Chapter 10, Article 1 of this Title.~~ The licensee may pursue a protest under A.A.C. Title 15, Chapter 7, Article 6.

R15-7-405. Deficiencies; ~~payment~~ Payment; ~~appeal~~ Appeal

- A. ~~When~~ If the Department determines that an additional ~~amount of~~ tax is due, the Department shall issue an assessment for the additional ~~amount~~ tax due plus any applicable penalty and interest. ~~In any~~ Each assessment the Department shall indicate ~~show~~ the taxable income for the period of the audit, the tax ~~which~~ that should have been paid, the ~~amount of~~ tax actually paid, ~~and~~ the additional tax due, and the amount of any penalty and interest owed on the assessment. The Department shall mail an assessment by certified mail to the last known address of the licensee.
- B. ~~In the event~~ If a licensee fails to make a report as required under A.R.S. § 5-407, the Department shall ~~proceed to~~ obtain facts upon which to base an assessment. The Department may issue a subpoena requiring the licensee, its employees, and its agents to testify under oath.
- C. A licensee may, within 30 days of receipt of an additional assessment or tax determination, file a petition ~~deliver to the Department a written request for a hearing, correction, or redetermination of~~ for the purpose of modifying or vacating the Department's assessment. ~~Such request shall specify the licensee's objections to the determinations of the Department.~~ The licensee shall file the petition under A.A.C. Title 15, Chapter 7, Article 6. ~~Appeals of deficiency assessments shall be pursued in accordance with the provisions of Chapter 10 of this Title.~~

ARTICLE 5. SUSPENSION; REVOCATION; APPEALS

R15-7-502. Suspension of license License and right Right of appeal Appeal

A. The Department shall issue any notice ~~All notices~~ of suspension ~~shall be given~~ pursuant to under ~~A.R.S. §§ 41-1061 and 41-1064~~ A.R.S. § 41-1092.11 and these rules.

B. Except as provided in (C), the ~~The~~ Department shall send a written suspension notice ~~shall be sent via~~ by certified mail. The Department shall include ~~All notices~~ ~~shall state the~~ grounds for suspension, ~~the~~ and duration of the suspension in the notice, and ~~shall further state either~~ indicate either:

1. That the suspension takes ~~shall take~~ effect only after public hearing. The licensee may, within 10 days after the mailing date on of the notice of suspension, request the modification or vacation of the notice of suspension. ~~Such~~ The licensee request shall state ~~set forth~~ with particularity the licensee's objections to the notice of suspension; or
2. That summary suspension is necessary for ~~the~~ public health, safety, or welfare and that the Department has ordered summary suspension of the a license ~~has been ordered~~ pending proceedings for revocation or other action.

C. The Department may give notice ~~Notice~~ of summary suspension ~~may be given~~ orally or in writing, based on considerations of public health, safety, or welfare. If given orally, the Department shall send a written confirmation of the oral notice that contains the same information required in subsection (B) ~~shall be transmitted~~ within

~~3 three workdays. In the case of summary suspension, the public hearing shall be held within 10 days of the date of the written notice of suspension.~~

R15-7-503. Revocation of license License and right Right of appeal Appeal

~~The Department shall notify a~~ A licensee ~~shall be notified~~ in writing, ~~under~~ pursuant to A.R.S. ~~§§ 41-1061 and 41-1064~~ A.R.S. § 41-1092.11, of license a revocation ~~of its bingo license~~. The Department ~~notice of revocation~~ shall specify the grounds for such revocation in the notice. The licensee may, within ~~40~~ 15 days after the mailing date on of the notice, request ~~the~~ modification or vacation of the revocation decision ~~notice of~~ revocation. The appellant ~~Such request~~ shall state ~~set forth~~ with particularity the appellant's objections to the notice of revocation.

R15-7-504. Injunction against ~~Against continued conducting~~ Conducting a Bingo Game of games after suspension Suspension or revocation Revocation

~~In the event~~ If a the licensee conducts or attempts to conduct ~~continues with~~ any bingo game ~~games~~ after license suspension or revocation, the Department shall request that the Attorney General's Office initiate legal action to enjoin such activity ~~prevent any~~ licensee ~~from continuing to conduct bingo games.~~